

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-13 are currently pending in this application, with Claims 14-39 withdrawn from consideration. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Application Publication US 2004/0002326 to Maher in view of U.S. Patent No. 6,839,435 B1 to Ijima et al.; and Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Application Publication US 2004/0002326 to Maher in view of U.S. Patent No. 6,839,435 B1 to Ijima et al., and in further view of U.S. Patent No. 6,500,070 B1 to Tomizawa et al.

Regarding the rejection of independent Claims 1 and 7, the Examiner states that the combination of Maher and Ijima et al. teaches each and every limitation of Claim 1. It was alleged that Maher discloses “that the mobile devices can download copies of application on the mobile device independent of the game server (Maher 0029),” and it is further alleged that, “Maher discloses that the server contains an applet that is responsible for tracking scores or threshold events and accessing data in the database.” (Office Action, top of page 3).

It is submitted that Maher and Ijima et al. do not alone, or in combination disclose, suggest, or teach every element claimed in Claims 1 and 7. To establish obviousness, there must be some suggestion or motivation to modify the reference or to combine the references. The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. The combination of Maher and Ijima et al. do not disclose, suggest, or teach “a mobile terminal for downloading a game that is executable

in an offline mode over a communication channel,” nor does the combination of Maher and Ijima et al. disclose, suggest, or teach, “wherein the mobile terminal accesses the mobile game server over the wireless channel upon receipt of an entry command signal.”

Maher states “a copy of the application is downloaded to each communication device, block 302, and a simpler applet runs on the server, block 304,” (Maher, paragraph 0029). However, Maher further states, “When a user at communication device 1 scores against the other users at communication device 2, the score of the event is transmitted from the communication device 1 to the server,” showing that the application in Maher is not executable in an offline mode, and further, that the mobile terminal in Maher automatically accesses the mobile game server throughout execution of the game. (Maher, paragraph 0030). The application in Maher accesses the mobile game server automatically throughout execution of the application, instead of upon receipt of an entry command signal. Further, Ijima et al. does not cure the deficiencies of Maher.

Accordingly, the cited references of Maher and Ijima et al. fail to disclose, as the Examiner alleged, “a mobile terminal for downloading a game that is executable in an offline mode.” Further, the cited references of Maher and Ijima fail to disclose “wherein the mobile terminal accesses the mobile game server over the wireless channel upon receipt of an entry command signal.” Accordingly it is submitted that Claims 1 and 7 are patentable over the cited references.

For the above reasons, Claims 1 and 7 are believed to be in condition for allowance. Without conceding the patentability *per se* of dependent Claims 2-6 and 8-13, they are also believed to be in condition for allowance for at least the above reasons

Accordingly, all of the claims pending in the Application, namely, Claims 1-13 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

THE FARRELL LAW FIRM, PC

333 Earle Ovington Blvd., Suite 701

Uniondale, New York 11553

Tel: (516) 228-3565

Fax: (516) 228-8475